



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eighth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach
3 Loan” [Docket No. 7280] (the “Objection”); with appropriate notice of the Objection
4 having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal. The remainder of those claims are disallowed to the extent
10 they are based upon a Direct Lender investment in the Bay Pompano
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon
13 investments in loans other than the Bay Pompano Beach Loan, this
14 order does not affect them and the USACM Trust may file further
15 objections.

16
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-01865	Oosthuizen, Adrian Jr	5860 Lausanne Dr Reno, NV 89511	2,711,295.30	226,394.16	-	226,394.16
10725-01903	Aig Limited A Nevada Limited Partnership	9904 Villa Granito Ln Granite Bay, CA 95746-6481	813,297.52	150,929.44	-	150,929.44
10725-01969	Terry Markwell Profit Sharing Plan & Trust	Terry Markwell Ttee 12765 Silver Wolf Rd Reno, NV 89511	807,706.42	75,464.52	-	75,464.52
10725-02031	Freda Newman Trust DTD 7/26/84	Freda Newman Trustee C/O Daniel Newman 125 Elysian Dr Sedona, AZ 86336	467,009.44	75,464.72	-	75,464.72
10725-02135	Schoonover Family Trust DTD 2/23/04	Edward L & Susan A Schoonover Co-Ttees 11044 E. Nopal Ave Mesa, AZ 85209	269,449.00	90,557.66	-	90,557.66
10725-02146	Casebolt Revocable Trust DTD 2/30/94	Josephine C Asebolt Ttee 201 Ada Ave Apt 46 Mountain View, CA 94043-4943	252,188.76	74,011.56	-	74,011.56
10725-02267	Daniel Living Trust As Amended DTD 1/9/98	Mark A & Cathy A Daniel Ttees 20 Redonda Irvine, CA 92620-1954	1,119,987.66	150,929.44	-	150,929.44
10725-02273	Louise Teeter IRA Rollover	4201 Via Marina Ste 300 Marina Del Rey, CA 90292-5237	898,523.18	92,066.96	-	92,066.96
10725-02275	Teeter, Norman	4201 Via Marina #300 Marina Del Rey, CA 90292	599,327.28	75,464.72	-	75,464.72
10725-02296	Jayem Family Lp	7 Paradise Valley Ct Henderson, NV 89052-6706	265,865.00	12,560.75	-	12,560.75

EXHIBIT A